

EXHIBIT A

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

XOCHITL HERNANDEZ, CESAR)
MATIAS, for themselves and on) CIVIL ACTION NO. 5:16-00620-JGB-KK
behalf of a class of similarly-situated)
individuals,)
Plaintiffs-Petitioners,) DECLARATION OF KOBIE CRAWL
v.)
) Honorable Jesus G. Bernal
JEFFERSON SESSIONS, U.S.,)
Attorney General, et al.,) Complaint Filed: April 6, 2016
Defendants-Respondents.)

Pursuant to 28 U.S.C. § 1746, I, Kobie Crawl, do hereby declare:

1. I am a Deputy Chief in the Solutions Delivery Division (SDD), within the Office of the Chief Information Officer (OCIO), U.S. Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security (DHS). The SDD mission is to provide development, modernization, and enhancement of all Information Technology (IT) applications and infrastructure in support of the ICE mission. In my position, I oversee the Architecture and Engineering, IT Infrastructure Development, and Quality Assurance Branches. I have been employed by ICE since 2007. I have been employed in my current position since June 2015.

2. OCIO administers and maintains ICE's eDiscovery software application – ICE electronic Discovery System (ICE eDS), which leverages Relativity software. Relativity is a commercial off-the-shelf product and is used by ICE as its e-Discovery application. The ICE eDS application is a shared service used by ICE Components, the Office of the Principal Legal Advisor (OPLA) and the Freedom of Information Act (FOIA) Office, to perform collection,

review, redaction, de-duplication, and production of agency records to include complying with discovery requirements during litigation. Relativity also runs Search Term Reports, which identify the number of times a particular word or phrase shows up in a set of documents. These reports are useful for evaluating how to narrow the scope of responsive documents in discovery. OCIO is responsible for all server-side related activities and implements all of the administration and configuration of Relativity, as well as the compliance with all security standards set forth by ICE and DHS. SDD provides all server-side support and administration to OPLA and the ICE FOIA Office.

3. I make this declaration based upon my personal knowledge and upon information furnished to me in the course of my official duties.

4. Compared to previous years, the consumption of data in the eDS application has drastically increased. During the past year, ICE has seen a substantial increase in litigation requiring an increase in the need for eDiscovery. ICE first deployed eDiscovery software in 2009. From 2009 through 2016, ICE processed a total of approximately 6 terabytes (TB) of data. In less than one-eighth of that time, from January 2017 to present, however, we have processed approximately 8 TB of data. The initial storage allocation took into consideration an anticipated data growth rate of 2TB per year. However, during the past 18 months, ICE has exceeded its anticipated storage usage. We anticipate this trend to continue and have plans to include both short-term risk mitigation and a long-term solution.

5. Due to the unexpected substantial increase in data processed in ICE eDS – Relativity over the past year, the initially allocated storage space was quickly depleted, and storage has become an issue. Storage space is required to process data. Without sufficient available storage, new processing jobs cannot be completed. This also means that running and

producing Search Term Reports that list the number of potentially responsive documents is not possible. SDD has one full-time and one half-time technical personnel assigned to support ICE's eDS application. These resources conduct the day-to-day activities, including daily operations and maintenance, troubleshooting issues, assisting in addressing all security-related activities, upgrades and patching tasks, archiving of cases, and cloud migration activities.

6. The technical resource team continually monitors available storage and works directly with the OPLA and the FOIA Office on retention of data within Relativity, to free up much needed storage space to allow for new processing jobs. Due to the vast amounts of data involved, processing jobs can take days to complete. If storage space runs out during a batch, the system stops the processing job. The system administrator must then determine the appropriate retention of older data and/or archive cases, then migrate the archived cases to free up space. This process is very time-consuming and must be completed before the processing job can be restarted from the beginning.

7. During the weekend of March 16, 2018, SDD personnel were notified that the system was responding very slowly, delaying OPLA review, and creating error messages when OPLA attempted to produce documents. On Monday, March 18, 2018, SDD personnel worked with OPLA to identify a possible short-term solution to the problem. OPLA identified to SDD additional cases that could be archived to help free up space. At approximately 10:00 AM on Tuesday, March 20, 2018, the eDS application became completely nonresponsive. Troubleshooting efforts immediately commenced to bring the application back online. The low storage space appears to be creating system performance issues, making the eDS application unable to access case documents. Additional OCIO personnel were brought in to assist the resource team to address storage limitation and troubleshoot ICE eDS issues.

8. Activities for archiving cases within the eDS application are currently underway.

The amount of time it takes to archive cases varies depending on the size of each case or Workspace. There are currently 14 cases or Workspaces that have been identified for archiving.

9. At 3:45 AM on Wednesday, March 21, 2018, the resource team notified OPLA that the system was now operational. At 5:50 AM, OPLA notified the resource team that OPLA could again review documents, but the system could not produce and export completed documents. The resource team immediately began troubleshooting this aspect.

10. After further troubleshooting, it was discovered that two Relativity Server processes, the kCura EDDS Agent and the kCura Service Host Manager, needed to be restarted. Once restarted, the application became responsive. Although the application was not 100% stable, it was operational. At 11:10 AM, SDD personnel informed OPLA that the Relativity application was operational, permitting OPLA to begin the creation of production files. Relativity became fully functional later that day, allowing OPLA to produce and export completed documents pursuant to a court order in a separate litigation matter.

11. In the afternoon of March 22, 2018, OPLA notified the resource team that Relativity was again producing error messages and the system again could not produce and export completed documents in the other litigation matter. The resource team immediately began troubleshooting this aspect.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 23, 2018

KOBIE T CRAWL
Digitally signed by KOBIE T CRAWL
Date: 2018.03.23 19:29:14 -04'00'

Kobie Crawl